

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
STATESVILLE DIVISION
CIVIL ACTION NO. 5:04CV31**

STOCKCAR STOCKS ADVISORS, L.L.C.)	
)	
Plaintiff,)	
)	
v.)	_____
)	
)	_____ <u>ORDER</u>
40/86 ADVISORS, INC., f/k/a CONSECO)	
CAPITAL MANAGEMENT, INC.;)	
MAXWELL E. BUBLITZ; GREGORY J.)	
HAHN; and D. BRUCE JOHNSTON,)	
)	
Defendants.)	
_____)	

THIS MATTER IS BEFORE THE COURT on the “Plaintiff’s Motion to Compel Production of Documents” (Document No. 46), filed June 8, 2005. The Court has been advised by counsel for Stockcar Stocks Advisors, L.L.C. (“Stockcar Stocks”) that a number of the issues in the Motion have been resolved by agreement of the parties. The Court has further been advised that counsel for Stockcar Stocks anticipates that the remaining issues will also be resolved by agreement of the parties. As such, the Court will deny the Motion as moot. Stockcar Stocks can, of course, file another motion to compel if it ultimately does not receive the discovery to which it believes it is entitled.

IT IS, THEREFORE, ORDERED that the “Plaintiff’s Motion to Compel Production of Documents” (Document No. 46) is **DENIED AS MOOT**.

Signed: September 7, 2005

A handwritten signature in black ink, appearing to read 'D.C. Keesler', is written over a horizontal line.

David C. Keesler
United States Magistrate Judge

